

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY FRANCIS FISHER,
aka GARY DALE BARGER,

Plaintiff,

v.

ROBERT S. MUELLER, and
DAVID M. HARDY,

Defendants.

Case No. 13-2842 WHO (PR)

ORDER OF DISMISSAL

Plaintiff has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must contain (1) a complete IFP application, or (2) the full filing fee of \$350.00. The Clerk shall enter judgment in favor of defendants, and close the file.

IT IS SO ORDERED.

Dated: August 6, 2013



WILLIAM H. ORRICK
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GARY FISHER,

Plaintiff,

v.

ROBERT S MUELLAR et al,

Defendant.

Case Number: CV13-02842 WHO

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 6, 2013, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Gary Francis Fisher F85263
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: August 6, 2013



Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk